



Senate Bill 405

Access to Justice Act

As Amended September 4, 2015

SUMMARY

SB 405 will improve access to justice for court users challenging traffic infractions. The bill ensures that Californians, even those of limited means, have a realistic opportunity to challenge citations.

ISSUE

Due to increases in fines and fees, a staggering number of Californians have no access to courts when they are cited for traffic citations. Exorbitant fees can make it challenging for low-income people to resolve minor traffic infractions since many counties require fines to be paid prior to a hearing on the infraction. As a result of unclear policy and high fees, drivers often do not have the opportunity to see a judge and essentially lose the right to due process.

The proposed solution is to reverse that general practice. It will have an effect on the 4.2 million California drivers who have had their licenses suspended in the last eight years for not paying what started out as minor traffic violations or for missing a deadline to appear in court.

SB 405 (HERTZBERG)

This bill creates consistency in courts throughout the state by prohibiting courts from requiring people with “fail to appear” (FTA) or “fail to pay” (FTP) citations to pay full bail before seeing a judge. SB 405 grants an additional 10 days for someone to contest civil assessment fees imposed by the court. This bill also clarifies provisions of the Traffic Amnesty Program (SB 85, 2015) to limit the amount of applicants excluded from the program. It also clarifies that the Judicial Council and the Department of Motor Vehicles may restore licenses to persons who participate in amnesty by going to any county where they have unpaid court ordered debt.

SUPPORT

Western Center on Law & Poverty (Sponsor)

A New Way of Life Reentry Project*

East Bay Community Law Center*

Lawyers’ Committee for Civil Rights*

Legal Services for Prisoners with Children*

AAA—Northern California

Alameda County Board of Supervisors

American Civil Liberties Union

American Friends Service Committee

Association of Deputy District Attorneys

Bay Area Community Services

California Assn. of Highway Patrolmen

California Assn. of Local Conservation Corps

California Attorneys for Criminal Justice

California Catholic Conference, Inc.

California Commission on Access to Justice

California Immigrant Policy Center

CA In-Home Supportive Svcs. Consumer Alliance

California Partnership

California Public Defenders Association

California Reserve Peace Officers Association

Compton Unified School District

Consumer Attorneys of California



Courage Campaign
Department of Insurance, California
Drug Policy Alliance
Ella Baker Center for Human Rights
Friends Committee on Legislation of California
Los Angeles Community Action Network
Los Angeles Deputy Sheriffs
Los Angeles Police Protective League
Los Angeles Probation Officers' Union
National Association of Social Workers
Oakland Community Organizations

Personal Insurance Federation of California
PICO California
Public Counsel
Redflex Traffic Systems
Rubicon Program
San Mateo County Supervisor, Warren Slocum
St. Mary's Center
Thai Community Development Center
Western Regional Advocacy Project

*co-sponsor